



STATE OF MICHIGAN
SENATE COMMITTEE ON CAMPAIGN AND ELECTION OVERSIGHT
MICHELLE A. McMANUS, CHAIR

MARCH 6, 2007

MINUTES

A meeting of the Senate Committee on Campaign and Election Oversight was held on Wednesday, February 28, 2007 at 12:30 p.m. in 405 Capitol Building.

Senate Committee on Campaign and Election Oversight members present: **McManus (C), Brown, Jansen, Jacobs, Schauer.**

Senator McManus requested a motion to approve the minutes of February 14, 2007.

Senator Schauer moved and **Senator Jansen** seconded that the committee approve the minutes.

Yeas: **McManus, Brown, Jansen, Jacobs, Schauer**

Nays: None

The motion prevailed.

Senator McManus announced we would be taking testimony and questions on Senate Bills 284 and 285. She gave a brief explanation of the legislation:

Senate Bill 284 amends the MCFA by adding a new Section 48 that requires disclosure of who is paying for an automated telephone call and whether the call is authorized by the candidate. Similar to the disclosure requirements of Section 47 which deals with print/radio/TV advertisements, this new section requires similar disclosure regarding robo-calls.

Senate Bill 285 amends Section 47 of the MCFA to add the use of a web site and satellite radio to the list of communications that require a disclaimer if utilized in an election. The bill further requires the disclaimer to state whether the communication is authorized by the candidate.

Members were invited to discuss the legislation before them. Several members had questions, but it was decided to wait to hear testimony before formally addressing the questions. In addition, **Senator McManus** restated that the bills were not being voted out today, and the numerous concerns would be addressed in the upcoming weeks.

Senator McManus invited **Kelly Bartlett** to testify. **Mr. Bartlett** testified in support of the legislation on behalf of **Senator Bill Hardiman**. **Mr. Bartlett** spoke of the concerns constituents in **Senator Hardiman's** district have expressed, and how reform on this matter is important.

Senator McManus invited the **Doug Novak, Melissa Malerman, and Chris Thomas** of the Michigan Secretary of State's Office to testify. **Mr. Novak** discussed Secretary Land's ideas for reform for the robo call issue, along with numerous other MCFA issues. He also suggested that the Secretary of State's office would suggest some technical amendments for the bills. **Mr. Thomas** explained that these new laws would be enforced through traditional MCFA methods, but the Secretary of State would not be monitoring robo calls. **Senator McManus** asked how difficult it would be to identify where the call came from if there was no disclaimer. **Ms. Malerman** expressed that it would be tough to identify. **Senator Brown** asked how improper robo calls would be handled when the call is not specifically for a candidate or a ballot issue. **Ms. Malerman** stated that it may need to be further clarified in the bills. **Mr. Thomas** also stated that if the legislation may not apply to issue calls, just candidate and ballot calls. **Senator Jacobs** asked about the use of "person" in the bills, and **Ms. Malerman** explained that "person" is defined in the MCFA. **Senator Jacobs** followed that question by asking if the \$1000 fine is big enough given the large amount of money so many candidate committees possess. **Ms. Malerman** pointed out that a misdemeanor and a fine of not more than \$1,000 or both is a current penalty in MCFA, but it could feasibly be addressed per call based on interpretation. **Senator Schauer** asked if there was a provision for "fake" disclaimers. **Mr. Thomas** explained that the organization would be in violation, either by the disclaimer, or by current law in the MCFA regarding failure to properly file a committee. **Senator Jansen** pointed out that there were several inconsistencies, and the Secretary of State's representatives confirmed that they would be looking at possible revisions to make this legislation as effective as possible.

Senator McManus called on **Ken Fletcher** of the Michigan State AFL-CIO. **Mr. Fletcher** testified in support of Senate Bills 284 and 285, saying that the majority of robo calls are negative, or misleading, and a disclaimer should be required.

Senator McManus called on **Robert LaBrant** of the Michigan Chamber of Commerce. **Mr. LaBrant** spoke in support of Senate Bills 284 and 285, and his written testimony is attached. **Senator Schauer** asked **Mr. LaBrant** if he was aware of any states currently using similar legislation, or if any required a disclaimer to be stated at the beginning of a robo call. **Mr. LaBrant** stated that he was not aware of specific states, but that courts had upheld similar laws in other states.

Senator McManus called on **Rich Robinson** of the Michigan Campaign Finance Network, who testified in support of Senate Bills 284 and 285. His written testimony is attached. **Senator Jansen** asked if **Mr. Robinson** is familiar with any other states using similar regulations. **Mr. Robinson** was not aware of any off hand. **Senator Schauer** asked for clarification on communications not specifically asking people to vote a certain way, or support or oppose an issue, not needing to be reported. **Mr. Robinson** reported that this is true, and very few organization report these finances.

Senator McManus called on **Patricia Donath** of the League of Women Voters of Michigan to testify in general regarding her experience with robo calls. **Ms. Donath** spoke of her experiences with robo calls, and asked that names and contact information be made available as part of the disclosure. There were no questions from committee members.

Senator McManus adjourned the meeting without objection at 1:25 p.m.

Respectfully submitted,

Jennifer McClelland
Committee Clerk

Senator Michelle A. McManus
Chair Person

Approved by Committee on _____